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**From:** Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]  
**Sent:** 2/28/2020 8:17:40 PM  
**To:** Santell, Stephanie [Santell.Stephanie@epa.gov]  
**Subject:** Re: for your review and forwarding to John G. Memo for Dave R. and talking points for John's bi-weekly with Dave

Please pass it on to him.

Thanks

Sent from my iPhone

On Feb 28, 2020, at 3:16 PM, Santell, Stephanie <Santell.Stephanie@epa.gov> wrote:

Thanks! Did you share with J or do you want me to?

Sent from my iPhone

On Feb 28, 2020, at 2:33 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** "Hurld, Kathy" <Hurld.Kathy@epa.gov>  
**Date:** February 28, 2020 at 12:25:21 PM EST  
**To:** "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>  
**Cc:** "McDavitt, Michael W." <Mcdavitt.Michael@epa.gov>, "Chemerys, Ruth" <Chemerys.Ruth@epa.gov>  
**Subject:** for your review and forwarding to John G. Memo for Dave R. and talking points for John's bi-weekly with Dave

John, Per our update meeting on Wednesday on 404(g) John asked for a number of items including:

- 1) e-mail containing the enforcement briefing and memo to the regions
- 2) the enforcement briefing paper and the memo to the regions requesting HQ engagement in discussions between the state and regional staff on assumption efforts
- 3) I've reattached bullets for John's bi-weekly with Dave which includes the summary of issues from our meeting on Wednesday as well as outstanding issues to be addressed prior to approval of FL's program (John asked for these and those were forwarded Monday after coordination with Tom McGill in R4).

- thanks, Kathy

Note for Dave R.

Dave,

## **Ex. 5 Deliberative Process (DP)**

Please note EPA will be meeting with FL staff March 4th and 5th, in Tallahassee to discuss FL's program description and the draft biological assessment completed by FDEP's contractor as part of the informal consultation under ESA. The state also published their proposed regulations and handbook (which they consider to be like a rule and lays out the processes for coordination and permit review) on 2/13/20 with a 21-day review. Comments, including EPA's are due March 11. Just a heads up that if any showstoppers are identified we may need to raise them to you and Sr. leadership quickly to meet the state deadline.

I've also reattached for you a draft memo you requested regarding

your desire to have a HQ staff person (or manager as appropriate) engaged in all communications between Regional staff (or managers) and state/tribal staff (or managers) regarding CWA section 404(g) efforts.

Please let me know if you have any questions.

- John Goodin

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From: Kupchan, Simma <Kupchan.Simma@epa.gov>  
Sent: Wednesday, December 18, 2019 5:14 PM  
To: Hurld, Kathy <Hurld.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
Subject: Meeting with Dave on Florida Criminal Issue

Kathy et al.,

We met with David Fotouhi and he gave the 'go-ahead' to brief Dave Ross on

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

R4 has recommended that we try to get on Dave's calendar in early January because FL's legislature convenes soon after that, and we would need to move very quickly to try to get legislative changes on their agenda. The attached paper can go on the invitation.

We defer to OW (maybe ask Dave?) as to whether to include Susan Bodine and OCEFT in the briefing for Dave, or whether to have separate briefings (which would, of course, take longer.)

Please let us know if you have any questions or concerns with submitting a meeting request to Dave. Thanks!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

<FL Criminal Enforcement 12.4.19.docx>  
<Ross to RA Ref. Region Cooperation with HQ on Future Actions 11.21.19 (002).docx>  
<for John's bi-weekly 3-3-20.docx>